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BONSHOCK, DENNIS G	

ART UNIT	PAPER NUMBER
2173	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/775,941	HOLMES, TIM	
	Examiner	Art Unit	
	Dennis G. Bonshock	2173	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *06 August 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-43* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *25-29* is/are allowed.

6)☒ Claim(s) *1-24 and 30-43* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *5-29-07*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

Final Rejection

Response to Amendment

It is hereby acknowledged that the following papers have been received and placed on record in the file: Amendment as received on 8-6-2007.

Claims 1-45 have been examined.

Status of Claims:

Claims 1-3, 6-14, 21-24, and 34-43 are rejected under 35 U.S.C. 102(e) as being anticipated by McKnight et al., Pub. No.: US 2005/0086613, hereinafter McKnight.

Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over McKnight.

Claims 25-29 are allowable.

Claims 15-20, 30-33, 44, and 45 would be allowable if amended to overcome the rejection under 35 U.S.C. 101.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 15-20 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Specifically the claims are directed toward a signal-bearing medium, which is not a tangible medium.

Claims 30-43 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Specifically the machine-accessible medium could be interpreted to be the communication medium of page 15 of the specification.

Claims 44 and 45 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Specifically the claim is directed to a user interface that has no functionality.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1-3, 6-14, 21-24, and 34-43 are rejected under 35 U.S.C. 102(e) as being anticipated by McKnight et al., Pub. No.: US 2005/0086613, hereinafter McKnight.

2. With regard to claim 1, which teaches a method comprising: representing a plurality of data items as a plurality of respective nodes in at least one tree, McKnight teaches, in paragraphs 31, 39, and in figure 1, a method for showing relationships between a plurality of usage items via icon nodes in a tree structure. With regard to claim 1, which further teaches displaying the at least one tree with an access time of the plurality of data items on an axis, McKnight teaches, in paragraph 32 and figure 1,

displaying the tree structure adjacent a time line showing a time in which an item was utilized. With regard to claim 1, which further teaches displaying a first connector between a parent node and a first child node in a first format, the parent node and the first child both being on the at least one tree, and displaying a second connector between the parent node an a second child in a second format, the parent node and the second child both being on the at least one tee, the second format being different than the first format, McKnight further teaches, in paragraphs 48 and 49 and figure 13, representing the usage context via a tree structure utilizing nodes connected by connectors having different appearances, where a parent node can have multiple children nodes each having different connectors showing that the connection is a different format. For example a parent node could have a one directional link to a child node (see paragraph 48 and the link between [1336] and [1340]) and have a bi-directional link to another child node (see paragraph 48 and the link between [1336] and [1338]), other link could include a favorites list arrow (see paragraph 48 and [1308]), and a history function arrow (see paragraph 48 and [1324]). McKnight further shows variation in link appearance in the chronological list, in showing the processing of a print request [426] link different from the standard one directional links (see paragraph 38 and figure 4).

3. With regard to claim 2, which teaches wherein the displaying further comprises: displaying the at least one tree vertically with a root node of the plurality of nodes at a top, McKnight teaches, in paragraphs 31 and 32 and in figure 1, the tree being displayed vertically with the root node on the top.

4. With regard to claim 3, which teaches wherein the displaying further comprises: displaying the at least one tree vertically with a root node of the plurality of nodes at a bottom, McKnight teaches, in paragraph 48 and figure 13, that there are a variety of display options for a "persistent usage context", showing an alternate tree for displaying graphical connections between navigated to websites, where the tree is still represented vertically, but with the root node being at the bottom.

5. With regard to claim 6, which teaches further comprising: retrieving one data item of the plurality of data items when a corresponding one of the plurality of nodes is selected; and displaying the one data item, McKnight teaches, in paragraph 36 and figure 3, selecting a data item to open and in response to a selection opening the data item for display.

6. With regard to claim 7, which teaches wherein displaying the first connector between the parent node and the first child node includes displaying the first connector as a dashed line, McKnight teaches, that a link could include a favorites list arrow (dashed line) (see paragraph 48 and [1308]). McKnight further shows variation in link appearance in the chronological list, in showing the processing of a print request [426] link (dashed line) different from the standard one directional links (see paragraph 38 and figure 4).

7. With regard to claim 8, which teaches wherein displaying the first connector further comprises: displaying the first connector in a first format when the first child node's respective data item was displayed in a same window as the parent node, McKnight teaches, in paragraph 33 and in figure 1, terminating connector between

elements on the same display at a node. With regard to claim 8, which further teaches displaying the first connector line in another format when the first child node's respective data item was displayed in a different window from the parent node, McKnight teaches, in paragraph 33 and in figure 1, terminating connector between elements on different display areas at page border.

8. With regard to claim 9, which teaches an apparatus comprising: means for representing a plurality of data items as a plurality of respective nodes in at least one tree, McKnight teaches, in paragraphs 31, 39, and in figure 1, a apparatus for showing relationships between a plurality of usage items via icon nodes in a tree structure. With regard to claim 9, which further teaches means for displaying the at least one tree with an access time of the plurality of data items on an axis, McKnight teaches, in paragraph 32 and figure 1, displaying the tree structure adjacent a time line showing a time in which an item was utilized. With regard to claim 9, which further teaches means for displaying a first connector between a parent node and a first child node in a first format, the parent node and the first child both being on the at least one tree, and means for displaying a second connector between the parent node an a second child in a second format, the parent node and the second child both being on the at least one tee, the second format being different than the first format, McKnight further teaches, in paragraphs 48 and 49 and figure 13, representing the usage context via a tree structure utilizing nodes connected by connectors having different appearances, where a parent node can have multiple children nodes each having different connectors showing that the connection is a different format. For example a parent node could have a one

directional link to a child node (see paragraph 48 and the link between [1336] and [1340]) and have a bi-directional link to another child node (see paragraph 48 and the link between [1336] and [1338]), other link could include a favorites list arrow (see paragraph 48 and [1308]), and a history function arrow (see paragraph 48 and [1324]). McKnight further shows variation in link appearance in the chronological list, in showing the processing of a print request [426] link different from the standard one directional links (see paragraph 38 and figure 4).

9. With regard to claim 10, which teaches wherein the plurality of data items comprise a plurality of web pages, McKnight teaches, in paragraph 34, the usage items representing web pages.

10. With regard to claim 11, which teaches wherein the plurality of data items comprise a plurality of database records, McKnight teaches, in paragraph 33 and in claim 10, usage items including database items.

11. With regard to claim 12, which teaches wherein the plurality of data items comprise a plurality of files, McKnight teaches, in paragraph 34, usage items being for a plurality of files (including "word" and "excel" files).

12. With regard to claim 13, which teaches wherein the plurality of nodes comprise respective identifiers of the respective data items, McKnight teaches, in paragraph 44 and in figures 1 and 10, respective data items being represented by identifying icons.

13. With regard to claim 14, which teaches wherein the plurality of nodes comprise respective icons representing the respective data items, McKnight teaches, in

paragraph 44 and in figures 1 and 10, respective data items being represented by identifying icons.

14. With regard to claim 21, which teaches an electronic device comprising: a processor (see paragraph 54); and a storage device (see paragraph 54), wherein the storage device comprises instructions (see paragraphs 54 and 59), which when executed on the processor comprise: representing a plurality of data items as a plurality of respective nodes in at least one tree, McKnight teaches, in paragraphs 31, 39, and in figure 1, a method for showing relationships between a plurality of usage items via icon nodes in a tree structure. With regard to claim 21, which further teaches displaying the at least one tree with an access time of the plurality of data items on an axis, McKnight teaches, in paragraph 32 and figure 1, displaying the tree structure adjacent a time line showing a time in which an item was utilized. With regard to claim 21, which further teaches displaying a first connector between a parent node and a first child node in a first format, the parent node and the first child both being on the at least one tree, and displaying a second connector between the parent node an a second child in a second format, the parent node and the second child both being on the at least one tee, the second format being different than the first format, McKnight further teaches, in paragraphs 48 and 49 and figure 13, representing the usage context via a tree structure utilizing nodes connected by connectors having different appearances, where a parent node can have multiple children nodes each having different connectors showing that the connection is a different format. For example a parent node could have a one directional link to a child node (see paragraph 48 and the link between [1336] and

[1340]) and have a bi-directional link to another child node (see paragraph 48 and the link between [1336] and [1338]), other link could include a favorites list arrow (see paragraph 48 and [1308]), and a history function arrow (see paragraph 48 and [1324]). McKnight further shows variation in link appearance in the chronological list, in showing the processing of a print request [426] link different from the standard one directional links (see paragraph 38 and figure 4).

15. With regard to claim 22, which teaches wherein a root node represents a data item retrieved via an address entered by a user, McKnight teaches, in paragraph 47, the nodes representing addresses accessed by a user.

16. With regard to claim 23, which teaches wherein a child node represents a link selected from a data item associated with a parent node of the child node, McKnight teaches, in paragraphs 4, 47, and 50 and in figure 12, home/initial page nodes linking to other pages being represented in the tree.

17. With regard to claim 24, which teaches wherein sibling nodes represent data items selected from a data item associated with a same parent node, McKnight teaches, in paragraphs 4, 47, and 50 and in figure 13, sibling nodes representing data selected from a common parent.

18. With regard to claim 34, which teaches an article comprising a machine-accessible medium having associated data (see paragraph 59), wherein the data when access results in a machine performing: displaying a timeline and tree in a graphical display, wherein the tree includes a node that is positioned in relation to a time on the timeline that the node is created, McKnight teaches, in paragraphs 31, 39, and in figure

1, a method for showing relationships between a plurality of usage items via icon nodes in a tree structure, and in paragraph 32 and figure 1, displaying the tree structure adjacent a time line showing a time in which an item was utilized. With regard to claim 34, which further teaches displaying a first connector between a parent node and a first child node in a first format, the parent node and the first child both being on the at least one tree, and displaying a second connector between the parent node an a second child in a second format, the parent node and the second child both being on the at least one tee, the second format being different than the first format, McKnight further teaches, in paragraphs 48 and 49 and figure 13, representing the usage context via a tree structure utilizing nodes connected by connectors having different appearances, where a parent node can have multiple children nodes each having different connectors showing that the connection is a different format. For example a parent node could have a one directional link to a child node (see paragraph 48 and the link between [1336] and [1340]) and have a bi-directional link to another child node (see paragraph 48 and the link between [1336] and [1338]), other link could include a favorites list arrow (see paragraph 48 and [1308]), and a history function arrow (see paragraph 48 and [1324]). McKnight further shows variation in link appearance in the chronological list, in showing the processing of a print request [426] link different from the standard one directional links (see paragraph 38 and figure 4).

19. With regard to claim 35, which teaches wherein each node is created when a data item is accessed, McKnight teaches, in paragraph 31, usage of data creates an icon representing said usage.

20. With regard to claim 36, which teaches wherein the nodes represent data items, McKnight teaches, in paragraphs 31 and 39, the nodes representing items previously accessed by a user and stored for later traversal via the tree structure.

21. With regard to claim 37, which teaches one of the data items being a web page, McKnight teaches, in paragraph 34, the usage items representing web pages.

22. With regard to claim 38, which teaches further comprising: compressing the plurality of nodes, McKnight teaches, in paragraph 32 and in figure 1, controls for removing [128] (collapsing) representations from a detailed description area [150].

23. With regard to claim 39, which teaches further comprising: expanding the plurality of nodes, McKnight teaches, in paragraph 32 and in figure 1, controls for adding [126] (expanding) representations to a detailed description area [150].

24. With regard to claim 40, which teaches wherein manipulating a display setting hides or displays nodes of the tree at certain levels, McKnight teaches, in paragraph 32 and in figure 1, controls for removing [128] (collapsing) representations from a detailed description area [150] and controls for adding [126] (expanding) representations to a detailed description area [150].

25. With regard to claim 41, which teaches wherein zooming in and out of the graphical display is a display setting, McKnight teaches, in paragraph 32 and in figure 1, a user being able to zoom in and out of a particular time period revealing [126] or concealing [128] relationships between elements displayed under the time period. McKnight further teaches, in paragraphs 42 and 43 and in figures 8 and 9, a users ability to zoom in on a particular element to show properties.

26. With regard to claim 42, which teaches wherein manipulating a display setting alters the size of the tree in the graphical display, McKnight teaches, in paragraph 39, changing the size of the detailed description window, font, and tree format.

27. With regard to claim 43, which teaches wherein scroll bars are displayed when the display setting alters the size of the tree to a size larger than the graphical display, McKnight teaches, in paragraph 32, displaying scroll bars to enable traversal to a larger list of the elements.

Claim Rejections - 35 USC § 103

28. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

29. Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over McKnight.

30. With regard to claim 4, which teaches wherein the displaying further comprises: displaying the at least one tree horizontally with a root node of the plurality of nodes at a left side, McKnight teaches, in paragraph 48, that there are a variety of display options for a "persistent usage context", and in paragraphs 31 and 32 and in figure 1, the tree being displayed vertically with the root node on the top; and in paragraph 48 and figure 13, an alternate tree for displaying graphical connections between navigated to websites, where the tree is still represented vertically, but with the root node being at

the bottom. At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to display the at least one tree horizontally with a root node of the plurality of nodes at a left side. Applicant has not disclosed that displaying the at least one tree horizontally with a root node of the plurality of nodes at a left side provides an advantage, is used for a particular purpose, or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected Applicant's invention to perform equally well with the vertical tree because applicant specifies doing so, only doing the horizontal as an alternate.

Therefore, it would have been obvious to one of ordinary skill in the art to modify McKnight to obtain the invention as specified the claim.

31. With regard to claim 5, which teaches wherein the displaying further comprises: displaying the at least one tree horizontally with a root node of the plurality of nodes at a right side, McKnight teaches, in paragraph 48, that there are a variety of display options for a "persistent usage context", and in paragraphs 31 and 32 and in figure 1, the tree being displayed vertically with the root node on the top; and in paragraph 48 and figure 13, an alternate tree for displaying graphical connections between navigated to websites, where the tree is still represented vertically, but with the root node being at the bottom. At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to display the at least one tree horizontally with a root node of the plurality of nodes at a right side. Applicant has not disclosed that displaying the at least one tree horizontally with a root node of the plurality of nodes at a right side provides an advantage, is used for a particular purpose, or solves a stated problem.

One of ordinary skill in the art, furthermore, would have expected Applicant's invention to perform equally well with the vertical tree because applicant specifies doing so, only doing the horizontal as an alternate.

Therefore, it would have been obvious to one of ordinary skill in the art to modify McKnight to obtain the invention as specified the claim.

Allowable Subject Matter

Claims 25-29 are allowable.

Claims 15-20, 30-33, 44, and 45 would be allowable if amended to overcome the rejection under 35 U.S.C. 101.

McKnight teaches, in paragraphs 31, 39, and in figure 1, a method for showing relationships between a plurality of usage items via icon nodes in a tree structure; in paragraph 32 and figure 1, displaying the tree structure adjacent a time line showing a time in which an item was utilized; and in paragraph 32 and in figure 1, controls for removing [128] (collapsing) representations from a detailed description area [150]. However no prior art could be found where the compression in a timeline displayed tree structure, is based on a number of delimiters in addresses associated with the plurality of data items.

Response to Arguments

The arguments filed on 8-6-2007 have been fully considered but they are not persuasive. Reasons set forth below.

The applicants' argue that for a signal-bearing medium to be encoded with instructions is tangible.

In response, the examiner respectfully submits that a signal in transmission is not a tangible result.

The applicants' argue that the fact that claim 30 could be interpreted as non-statutory is a matter of breadth and not non-statutory mater.

In response, the examiner respectfully submits that the machine-accessible medium is defined in the specification to optionally be the communication medium of (see page 15 of the specification). If a claim can be interpreted to pertain to non-statutory subject matter the rejection must be made. To overcome such a rejection the applicant may claim the medium as a storage medium so that the claim is interpreted to only include the tangible storage mediums defined in the specification (give such tangible mediums are defined).

The applicants' argue that with regard to claim 44, being compressible base on a number of delimiters in addresses associated with the one or more nodes, and the nodes being positioned in relation to a time on a timeline that a data item of a node is access is functional.

In response, the examiner respectfully submits that the claim only recited features of the GUI (describing a picture), not providing any functionally.

The applicants' argue that McKnight doesn't teach a method of displaying a parent node an two childe nodes of the parent node in the same tree in which a connector between the parent node and one child node has a format different from a format of a connector between the parent node and the other child.

In response, the examiner respectfully submits that McKnight further teaches, in paragraphs 48 and 49 and figure 13, representing the usage context via a tree structure utilizing nodes connected by connectors having different appearances, where a parent node can have multiple children nodes each having different connectors showing that the connection is a different format. For example a parent node could have a one directional link to a child node (see paragraph 48 and the link between [1336] and [1340]) and have a bi-directional link to another child node (see paragraph 48 and the link between [1336] and [1338]), other link could include a favorites list arrow (see paragraph 48 and [1308]), and a history function arrow (see paragraph 48 and [1324]). McKnight further shows variation in link appearance in the chronological list, in showing the processing of a print request [426] link different from the standard one directional links (see paragraph 38 and figure 4).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dennis G. Bonshock whose telephone number is (571) 272-4047. The examiner can normally be reached on Monday - Friday, 6:30 a.m. - 4:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on (571) 272-4048. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

9-20-07
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